

REMARKS

The Applicants submit this Amendment and Response to the October 12, 2004 Office Action of the Examiner. By virtue of this amendment, claims 4-18 are pending in this application. In the present action, the Examiner indicated claims 4, 5, 9-11, and 12-18 contain allowable subject matter. The applicants respectfully thank the Examiner for the indication of allowable subject matter.

In the October 12, 2004 Final Office Action, the Examiner rejected claims 1-3, 608, and 19-21 under 35 U.S.C. § 112, first paragraph, as “failing to comply with the written description requirement.” In particular, the Examiner stated the recitation of “‘standard’ utility knife blade” in claims 1 and 19 had no support in the specification. The applicants respectfully disagree and direct the Examiner’s attention to the original specification at page 20, lines 22-25. The specification clearly states “it is envisioned that first cutting element 104 and second cutting element 106 would be standard utility knife blades, such as the type of blades that are readily available at pharmacy stores, convenient stores, and grocery stores.” However, in order to expedite the present application, the applicants have elected to cancel claims 1 and 19 from the present application making the rejection under 35 U.S.C. § 112, first paragraph, moot.

The Examiner rejected claims 1-11 and 19-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Examiner rejected claims 1 and 19 because the recitation of “standard utility knife blade” is vague and indefinite. The Examiner rejected claims 4, 5, and 9 because the recitation of “the internal space” lacked clear antecedent basis. The applicants respectfully traverse this rejection.

Regarding claims 1 and 19, the applicants disagree that the phrase “standard utility knife blade” is vague and indefinite as the term has common ordinary accepted usage in the industry. The common usage is evidenced by the Examiner further rejection of the claims under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,890,290 (“Davis”). Specifically, Davis could not be a 102(b) reference unless the Examiner believed Davis disclosed a “standard utility knife blade.” Because the Examiner believes Davis discloses a “standard utility knife blade,” the applicants are

unclear how the Examiner can subsequently claim the recitation is vague and indefinite. In any event, claims 1 and 19 have been canceled to expedite the present application. Thus, the applicants respectfully submit the rejection of claims 1 and 19 under 35 U.S.C. § 102(b) is moot.

Regarding the rejection of claims 4, 5, and 9, the applicants have amended claims 4 and 9 to correct the antecedent basis issues. Claim 5 depends on claim 4, and the applicants respectfully submit the amendment to claim 4 corrects the antecedent basis issue with claim 5. In view of the amendments to claim 4 and 9, the applicants respectfully request the Examiner withdraw the rejection of claims 4-11 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1-3, 6-8, and 19-21 under 35 U.S.C. § 102(b) as being anticipated by Davis (U.S. Patent No. 5,890,290).” The applicants respectfully traverse this rejection. However, in order to expedite the prosecution of this application, the applicants have canceled claims 1-3 and 19-21 from the present application without disclaimer or prejudice. Claims 6-8 now depend from claim 4 either directly or indirectly. As the Examiner has indicated claim 4 is allowable, the applicants respectfully submit claims 6-8 are also in condition for allowance. Such allowance is respectfully requested.

The Examiner has indicated independent claims 4, 9, and 12 contain allowable subject matter. Claims 4 and 9 have been amended to correct the remaining 112 issues. Thus it is respectfully submitted that amended claims 4 and 9 and claim 12 are currently in condition for allowance. Claims 5-8, 10, 11, and 13-18 depend directly or indirectly from claims 4, 9, and 12 and, at least by virtue of the dependency, are also believed to be in condition for allowance. Such allowance is respectfully requested.

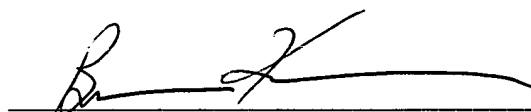
The applicants respectfully request that the Examiner consider this Amendment. The applicant submits that claims 4-18 are presently in condition for allowance and that no new matter has been introduced by this response. The applicant believes that the proposed response does not raise new issues or necessitate the undertaking of any additional search of art by the Examiner, because all of the elements were either earlier claimed or inherent in the claims as examined. Therefore, the amendment should allow

for immediate action by the Examiner. Alternatively, the Applicants believe that entry of the response would place the application in better form for appeal, should the Examiner dispute the patentability of the claims.

The Applicants believe they have submitted the proper fee for entry and consideration of this amendment, however any fee deficiency can be charged to Deposit Account 08-2623. Should any extensions of time not otherwise accounted for be required, consider this a petition therefore and charge Deposit Account 08-2623 the required fee.

Respectfully submitted,

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